

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**OREGON NATURAL DESERT
ASSOCIATION,**

Plaintiff,

No. 2:10-cv-01331-SU

OPINION AND ORDER

v.

BUREAU OF LAND MANAGEMENT et al.,

Defendants,

LAIRD RANCH, LLC,

Defendant-Intervenor.

MOSMAN, J.,

On October 2, 2012, Magistrate Judge Sullivan issued her Order on Motions to Supplement the Complaint and to Strike Evidence [83] in the above-captioned case. In that order, Judge Sullivan granted plaintiff's motion to supplement the complaint [64], and granted in part and denied in part plaintiff's motion to strike evidence [65]. Specifically, she granted the motion to strike as to paragraphs 88–90 and 134–35, as well as to Attachments 6 and 9–11, of the Whitman Declaration; the motion to strike was otherwise denied. Both plaintiff [86] and defendants [87] filed objections to Judge Sullivan's order, and all parties then filed responses to these objections [89, 90, 91].

DISCUSSION

With respect to dispositive matters, the magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C).

Pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), however, nondispositive matters are treated differently. Any party may still file written objections to a magistrate judge's nondispositive order, and the court must consider objections that are timely made, but here the magistrate judge's order is reviewable under the "clearly erroneous or contrary to law" standard. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

Upon review, I find that Judge Sullivan made no clear error, and I adopt her order [83] as my own opinion. Both plaintiff's [86] and defendants' [87] objections are OVERRULED.

IT IS SO ORDERED.

DATED this 22nd day of February, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge